

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**UNITED STATES DISTRICT COURT**  
for the District of  
New Jersey

**RECEIVED**  
**JUN - 1 2021**  
AT 8:30  
WILLIAM T. WALSH  
CLERK

DARRYL MOODY, ACTING PRO-SE  
*Petitioner*

v.

Case No. \_\_\_\_\_  
(Supplied by Clerk of Court)

WARDEN, DAVID E. ORTIZ  
*Respondent*  
(name of warden or authorized person having custody of petitioner)

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

**Personal Information**

1. (a) Your full name: DARRYL MOODY  
(b) Other names you have used: N/A
2. Place of confinement:  
(a) Name of institution: FEDERAL CORRECTIONAL INSTITUTION, FORT DIX  
(b) Address: P.O. BOX 2000, JOINT BASE MDL, NJ 08640.  
(c) Your identification number: 72069-066
3. Are you currently being held on orders by:  
☒ Federal authorities      ☐ State authorities      ☐ Other - explain:
4. Are you currently:  
☐ A pretrial detainee (waiting for trial on criminal charges)  
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF PENNSYLVANIA, 601 MARKET STREET, ROOM #2609, PHILADELPHIA, PA 19106  
(b) Docket number of criminal case: DPAE2: 15CR000191-001  
(c) Date of sentencing: OCTOBER 16TH, 2017  
☐ Being held on an immigration charge  
☒ Other (explain): VIOLATION OF TITLE 21:860 POSSESSION WITH INTENT TO DISTRIBUTE 280 GRAMS OR MORE OF COCAINE BASE ("CRACK") WITHIN 1000 FEET OF A SCHOOL (CI-2) & TITLE 18:922 (G); POSSESSION OF A FIREARM BY A CONVICTED FELON (CI-4)

**Decision or Action You Are Challenging**

5. What are you challenging in this petition:  
☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention  
☐ Immigration detention  
☐ Detainer  
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)  
☐ Disciplinary proceedings  
☐ Other (explain): I AM REQUESTING GOOD TIME CREDITS PURSUANT TO THE GODMAN V. ORTIZ CASE NO. #2020-CV-07582 DATED 11/22/2020.

## 6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: FCI FORT DIX, P.O. BOX 2000, JOINT BASE MDL, NJ 08640CASE MANAGER J. BAZYDLO.(b) Docket number, case number, or opinion number: N/A

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

A DENIAL FROM MY CASE MANAGER FOR RECEIVING GOOD TIME CREDITS IN WHICH HE RESPONDED THAT THE STATUTE GIVES THE BUREAU OF PRISONS 2 YEARS TO APPLY THE CREDITS TO MY SENTENCING COMPUTATION. THEREFORE MY REQUEST IS NOT ELIGIBLE TO BE REVIEWED AT THIS TIME.

(d) Date of the decision or action: MAY 18TH, 2021**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not appeal: I DID NOT BELIEVE THAT I WOULD HAVE RECEIVED A DIFFERENT RESPONSE FROM THE WARDEN OR THE DIRECTOR OF THE BUREAU OF PRISONS IN THE REGION.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

**9. Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court? N/A

☐ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

**10. Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☒ No

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If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: I AM ONLY REQUESTING FOR GOOD TIME CREDITS APPLICABLE TO MY SENTENCE THEREFORE, 28 U.S.C. § 2241 IS THE CORRECT VENUE TO OBTAIN MY REMEDY REQUESTED.

# 11. Appeals of immigration proceedings

Does this case concern immigration proceedings? N/A

☐ Yes☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_

- (b) Date of the removal or reinstatement order: \_\_\_\_\_

- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

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If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_

\_\_\_\_\_

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** PURSUANT TO TITLE 18 U.S.C. § 3632(d)(4) AND THE GOODMAN V. DAVID ORTIZ CASE NO. #2020-CV-07582 DATED 11/22/202 I AM ENTITLED TO GOOD TIME CREDITS FOR THE FERRT UNDER THE FIRST STEP ACT "EVIDENCE-BASED RECIDIVISM REDUCTION TRAINING".

(a) Supporting facts (Be brief. Do not cite cases or law.):

THE FIRST STEP ACT OFFERED PRISONERS A OPPORTUNITY TO EARN CREDIT TOWARDS THEIR SENTENCE. IN PARTICULAR THE TYPE AND AMOUNT OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMMING THAT IS APPROPRIATE FOR EACH PRISONER AND ASSIGN EACH PRISONER TO SUCH PROGRAMMING SE "18 U.S.C.A. § 3632(a)(3). IN WHICH I HAVE NOT YET RECEIVED UPON COMPLETION ON THOSE APPROPRIATE PROGRAMS.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

**GROUND TWO:** I AM ENTITLED TO EARN GOOD TIME CREDITS FOR PARTICIPATION AND COMPLETION OF THE FOLLOWING FERR PROGRAMS.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I HAVE PARTICIPATED AND COMPLETED AND CURRENTLY ENROLLED IN THE FOLLOWING PROGRAMS: SMALL BUSINESS MGMT DATED 06-18-2019 TO 08-27-2019; BUSINESS MATH DATED 10-13-2019 TO 01-06-2020; TECHNICAL MATH DATED 10-05-2019 TO 01-06-2020; MY CURRENT JOB ASSIGNMENT AS A BARBER DATED 06-10-2019 TO CURRENT. EQUALING A TOTAL OF 1006 DAYS GCT DUE TO MY PERSON.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

**GROUND THREE:** N/A

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

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**GROUND FOUR:** N/A

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: I DID NOT BELIEVE THAT I WOULD HAVE OBTAINED A DIFFERENT RESPONSE FROM THAT OF THE WARDEN OR THE DIRECTOR OF THE BUREAU OF PRISONS IN THIS REGION.

**Request for Relief**

15. State exactly what you want the court to do: I WOULD LIKE FOR THE COURT TO ORDER THE BOP TO IMMEDIATELY APPLY THE EARNED TIME CREDIT 1,006 DAYS OR WHATEVER AMOUNT DEEMED NECESSARY TO MY COMPUTATION DATA SHEET.

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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

I PLACED THIS § 2241 IN THE FCI FORT DIX PRISON MAIL BOX ON THE 24TH DAY OF MAY, 2021.

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: MAY 24th, 2021



*Signature of Petitioner*

DARRYL MOODY, ACTING PRO-SE

*Signature of Attorney or other authorized person, if any*

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BP-S148.055

## INMATE REQUEST TO STAFF CDPRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>Case Manager Mr. B</i>	DATE: <i>May 18<sup>th</sup>, 2021</i>
FROM: <i>DARRYL MOON</i>	REGISTER NO.: <i>72069-066</i>
WORK ASSIGNMENT: <i>BARBER</i>	UNIT: <i>5802</i>


SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.

*I will like to have my earned time credits given to me in accordance with the First Step Act and pursuant to the recent case in the United States District Court, District of New Jersey Goodman v. Ortiz 2020 US Dist LEXIS 153824 DJS, Apr 25 2020 please inform me of any necessary steps that I have to take to follow the proper procedures.*

(Do not write below this line)

DISPOSITION:

You are not eligible to be reviewed at this time.

Signature Staff Member 	Date <i>5-18-2021</i>
Record Copy - File; Copy - Inmate (This form may be replicated via WP)	This form replaces BP-148.070 dated Oct 86 and BP-S148.070 APR 94

FILE IN SECTION 6 UNLESS APPROPRIATE FOR PRIVACY FOLDER

SECTION 6

FTDC9 \*  
PAGE 001 OF 001 \*

INMATE EDUCATION DATA  
TRANSCRIPT

\* 05-21-2021  
\* 10:34:37

REGISTER NO: 72069-066 NAME...: MOODY  
FORMAT.....: TRANSCRIPT RSP OF: FTD-FORT DIX FCI

FUNC: PRT

----- EDUCATION INFORMATION -----

FACIL ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
FTD ESL HAS ENGLISH PROFICIENT	12-21-2017 0909	CURRENT
FTD GED HAS COMPLETED GED OR HS DIPLOMA	02-08-2018 1159	CURRENT

----- EDUCATION COURSES -----

SUB-FACIL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
FTD GP	CROCHET 1 - WEST	05-12-2021	CURRENT				
FTD GP	TECHNICAL MATH - WEST	10-05-2019	01-06-2020	P	C	P	24
FTD GP	BUSINESS MATH-WEST	10-13-2019	01-06-2020	P	C	P	24
FTD GP	SMALL BUSINESS MGMT - WEST	06-18-2019	08-27-2019	P	C	P	24
BER	RESTAURANT MANAGEMENT	06-04-2018	06-04-2018	P	C	P	12
BER	INTRODUCTION TO FRENCH	03-21-2018	03-21-2018	P	C	P	8
PHL M	BETTER BUSINESS WRITING	05-21-2017	06-02-2017	P	C	P	15
PHL M	BUSINESS ETIQUETT & PROFESSION	10-11-2016	10-13-2016	P	C	P	15
PHL M	THINKING ON YOUR FEET	09-02-2016	09-06-2016	P	C	P	15
PHL M	ACCOUNTING	08-03-2016	08-08-2016	P	C	P	15
PHL M	FORECASTING MASTER SCHEDULING	07-07-2016	07-11-2016	P	C	P	15
PHL M	UNDERSTAND FINANCIAL STATEMENT	06-02-2016	06-06-2016	P	C	P	15
PHL M	POSITIVE CHILD DISCIPLINE	05-25-2016	05-25-2016	P	C	P	1
PHL M	PARENTAL REUNIFICATION PLAN	04-27-2016	04-27-2016	P	C	P	1
PHL M	SPECIAL ISSUES	04-27-2016	04-27-2016	P	C	P	1
PHL M	RESPONSIBILITIES OF FATHERHOOD	04-27-2016	04-27-2016	P	C	P	1
PHL M	BETTER BUSINESS WRITING	04-13-2016	04-15-2016	P	C	P	15
PHL M	CHILD DEVELOPENT	04-14-2016	04-14-2016	P	C	P	1
PHL M	BEING RESPONSIBLE FATHER	04-12-2016	04-12-2016	P	C	P	1
PHL M	TEETH WELLNESS CLASS	09-20-2015	09-20-2015	P	C	P	1
PHL M	CARPAL TUNNEL SYNDROME	08-15-2015	08-15-2015	P	C	P	1

G0000

TRANSACTION SUCCESSFULLY COMPLETED

FTDC9 531.01 \*  
PAGE 001 OF 001 \*

INMATE HISTORY  
PT OTHER

\* 05-21-2021  
\* 10:35:36

REG NO.: 72069-066 NAME....: MOODY, DARRYL  
CATEGORY: PTO FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
FTD	ANG M WAIT ANGER MANAGEMENT CBT WAIT	06-18-2020 1438	CURRENT
FTD	NA WAIT NARCOTICS ANONYMOUS WAIT	03-19-2020 1023	CURRENT

G0000 TRANSACTION SUCCESSFULLY COMPLETED

FTDC9 531.01 \*  
PAGE 001 OF 001 \*

INMATE HISTORY  
WRK DETAIL

\* 05-21-2021  
\* 10:38:40

REG NO.: 72069-066 NAME....: MOODY, DARRYL  
CATEGORY: WRK FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
FTD	BARBER W	BARBER SHOP WEST	06-10-2019 0001	CURRENT
FTD	UNASSG WES	UNASSIGNED - FCI WEST	10-11-2018 0001	06-10-2019 0001
FTD	FPI CS-2	FPI	08-02-2018 0928	10-11-2018 0001
FTD	UNASSG WES	UNASSIGNED - FCI WEST	08-01-2018 1419	08-02-2018 0928
FTD	GM 1 EAST	MAINTENANCE MECHANIC	07-30-2018 0001	08-01-2018 1419
FTD	A&O CMP E	A&O COMPLT-PND WRK ASSIGN EAST	07-18-2018 0800	07-30-2018 0001
FTD	A&O WEST	ADMISSION & ORIENTATION - WEST	07-17-2018 1436	07-18-2018 0800
BRO	UNASSG	UNASSIGNED WORK ASSIGNMENT	07-13-2018 1716	07-17-2018 1315
DEV	SHU UNASSG	SHU UNASSIGNED	07-12-2018 0941	07-13-2018 0814
BER	ELECTRIC 1	ELECTRIC 1	01-29-2018 0001	07-12-2018 0429
BER	UNASSG	UNASSIGNED	12-14-2017 1713	01-29-2018 0001
BRO	UNASSG	UNASSIGNED WORK ASSIGNMENT	12-05-2017 1115	12-14-2017 0524
PHL	5N UNASSG	5N UNASSIGNED INMATE	10-19-2017 0837	12-05-2017 0758
PHL	5N UNASSG	5N UNASSIGNED INMATE	05-08-2015 1430	10-19-2017 0838

G0000 TRANSACTION SUCCESSFULLY COMPLETED